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CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8****RECEIVED  
CENTRAL FAX CENTER****AUG 22 2005****TO: United States Patent and Trademark Office****Attn: Examiner Kathleen J. Prunner****Phone No. 571-272-4894****Fax No. 571-273-8300**

*I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on August 22, 2005 to the above-identified facsimile number.*

Bridget Murray (Signature)

**FROM: Bridget Murray (Typed or printed name of person signing Certificate)****Fax No. 513-626-1355****Phone No. 513-626-0575****Applicant Information:****Applicants: Gruenbacher et al.****Serial No.: 10/089,351****Filing Date: 03/27/2002****Conf. No.: 1392****Docket No.: 8278****Listed below are the item(s) being submitted with this Certificate of Transmission: \*\***

- 1. Response to Notice of Non-Compliant Amendment (5 pages);**
- 2. Copy of Notice of Non-Compliant Amendment;**

**Number of pages, including this page: 8**

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AUG 22 2005

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.: : 10/089,351  
Applicants : Dana Paul Gruenbacher, et al.  
Filed : 03/27/2002  
Title : A SEMI-ENCLOSED APPLICATOR HAVING  
A TEMPERATURE CHANGING ELEMENT  
TC/A.U. : 3751  
Examiner : Kathleen J. Prunner  
Conf. No. : 1392  
Docket No. : 8278  
Customer No. : 27752

**RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT****UNDER 37 CFR §1.121**

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

**INTRODUCTORY REMARKS**

This is responsive to the Notice of Non-Compliant Amendment dated August 3, 2005 (copy attached). Please consider the following corrected section of the non-compliant amendment document.

Please amend the above-identified application as follows:

*Amendments to the Claims begin on page 2 of this paper.*